

WordPerfect Document Compare Summary

Original document: F:\CHAMBERS\OVERSTREET\ko\Local Rules\Ex. A Admin Procedures.wpd

Revised document: F:\CHAMBERS\OVERSTREET\ko\Local Rules\Final 110804\Ex. A Admin Procedures.110804.Final.wpd

Deletions are shown with the following attributes and color:

~~Strikeout~~, **Blue** RGB(0,0,255).

Deleted text is shown as full text.

Insertions are shown with the following attributes and color:

Double Underline, Redline, **Red** RGB(255,0,0).

The document was marked with 34 Deletions, 47 Insertions, 0 Moves.

EXHIBIT A

UNITED STATES BANKRUPTCY COURT FOR THE
WESTERN DISTRICT OF WASHINGTON

**ADMINISTRATIVE PROCEDURES FOR FILING, SIGNING AND VERIFYING
PLEADINGS AND PAPERS BY ELECTRONIC MEANS**

I. REGISTRATION FOR THE ELECTRONIC CASE FILING (ECF) SYSTEM

A. PARTICIPANTS.

Each attorney admitted to practice in this Court and each standing and panel trustee shall be eligible to receive one or more passwords for the ECF System to permit the person to participate in the electronic retrieval and filing of pleadings and other papers in accordance with the Electronic Filing Procedures. Other parties may be eligible to receive a password only upon the express approval of the Chief Bankruptcy Judge. Registration for a password is governed by Paragraph I.B. See also General Order No. 4, making ECF registration mandatory as of 1 October 2004 and ECF filing mandatory as of 1 November 2004 for attorneys, trustees and examiners.

B. REGISTRATION.

1. A registration form, in the form attached, shall be submitted for each participant. The attached form may be duplicated for use.
2. All registration forms shall be mailed or delivered to the Clerk of the Court.
3. Each participant registering for the ECF System will receive telephonic notice from the Clerk of the Court indicating that an envelope containing the participant's assigned password is available for pick-up from the Clerk of the Court. Only the participant or an authorized representative may pick up the envelope. Out-of-state attorneys and attorneys in outlying areas applying for registration may communicate with the Clerk of the Court to arrange for delivery of the password.
4. Once registered, a participant may withdraw from participation in the ECF System by providing the Clerk of the Court with written notice of such withdrawal. Upon receipt, the Clerk of the Court will immediately cancel the participant's password and will delete the participant from any applicable electronic service list.
- 5.5— ParticipationParticipants in ECF requires attorneys and trustees to complete and file a Credit Card Authorization form with the Finance Department of the

~~Office of the Clerk of the Court. The numbers for one or more active credit card accounts may be indicated on this form. When a document requiring a fee is electronically filed, notice of the transaction will be generated in a report to the Court Services Department. The Court Services Department will process the charge to the filing party's credit card account on the first business day following the submission of the electronically filed document. In the event the credit card charge cannot be processed, the filing party will be contacted and must satisfy the required payment within 24 hours.~~ CM/ECF shall pay all filing fees by credit card or debit card at the time of filing through the system's credit card module or, in the alternative, pay the fees at the Clerk's Office by the close of business on the same day.

6. Pursuant to General Order No. 4, Western District Wash. Bankruptcy, Registration by attorneys, trustees and examiners in this Court's CM/ECF system for the purpose of electronic service of pleadings and other papers shall be mandatory as of 1 October 2004, and electronic filing through CM/ECF shall be mandatory for all attorneys, trustees and examiners as of 1 November 2004, except as otherwise ordered by the Court.

II. ELECTRONIC FILING AND SERVICE OF DOCUMENTS

A. FILING.

1. Except as expressly provided in Paragraph III.A. below and in exceptional circumstances which prevent a participant from filing electronically, all petitions, motions, pleadings, memoranda of law, or other documents required to be filed with the Court shall be electronically filed on the ECF System. Notwithstanding the foregoing, parties and attorneys who are not participants in the ECF System are not required to electronically file pleadings and other papers in a case assigned to the ECF System. Proof of Claim forms may be filed electronically or in conventional paper form.
2. Participants filing petitions, schedules, statements, lists, and amendments thereto using these Electronic Filing Procedures shall be excused from providing copies required by Local Rule W.D. Wash. Bankr. 1007-1(a) and Local Rule W.D. Wash. Bankr.1009-1(b). Except as provided in subparagraph 3 below, participants filing motions shall be excused from providing copies as required by Local Rule W.D. Wash. Bankr. 9013-1(d)(4); ~~except.~~
3. Except as otherwise ordered by the Court, when the motion, response, memorandum, objection or reply, together with its supporting documents, in total exceeds 25 pages in length ~~or as otherwise ordered by the Court. If the motion, response, memorandum, objection or reply, together with supporting documents, exceeds 25 pages combined total length,~~ participants must, the filing participant shall provide chambers copies in accordance with

B. SUMMONS IN ADVERSARY PROCEEDINGS.

Plaintiffs filing an adversary complaint electronically are excused from the requirement to provide a summons and cover sheet set forth in Local Rule W.D. Wash. Bankr. 7004-2. The Clerk of the Court shall issue to the plaintiff a completed summons for each defendant. This paragraph does not excuse compliance with Fed.R.Bankr.P. 7004 or Local Rule W.D. Wash. Bankr. 7004-1.

C. SERVICE.

1. Whenever a pleading or other paper is filed electronically in accordance with the Electronic Filing Procedures, the ECF System will automatically generate a Notice of Electronic Filing and transmit it to the filer by electronic means at the time of docketing. All other parties in the case who are ECF participants will automatically receive a Notice of Electronic Filing by electronic means either at the time of filing or on a daily basis.

~~2. If the recipient of a Notice of Electronic Filing is a participant in the ECF System~~

2. The request for and receipt of a password from the Court for use of the ECF System shall constitute a request for electronic service pursuant to Fed.R.Bankr.P.9036 and 7005 and Fed.R.Civ.P.5(b)(2)(D); provided that, notwithstanding Fed.R.Bankr.P.9036, in accordance with Fed.R.Civ.P.5(b)(2)(D) and Fed.R.Civ.P.5(b)(3), service by electronic means is complete on transmission unless the party making service learns that the attempted service did not reach the person to be served. A party may make service pursuant to Fed.R.Civ.P.5(b) through the Court's transmission facilities.

3. Subject to subparagraph 6 below, Pursuant to Fed.R.Civ.P.5(b)(2)(D), receipt of the Notice of Electronic Filing generated by the Court's electronic case filing system shall be the equivalent of service of the ~~pleadings by delivery~~ pleading identified in the notice on persons who have consented to electronic service.

4. Service of a paper or pleading on the United States Trustee is deemed to have occurred whenever such pleading or paper is filed electronically in accordance with the Electronic Filing Procedures and no proof of service is required to be filed.

5. The filing party shall serve the pleading or other paper upon all non-participants entitled to notice or service in accordance with the applicable rules. Proof of service shall be filed with respect to service on all non-participants entitled to notice; however, the proof of service may be filed

electronically in accordance with the Electronic Filing Procedures with the representation, by the filer, that evidence of service is being maintained at the office of the filer.

6. Notwithstanding the foregoing provisions related to electronic service, conventional service of documents in hard copy shall be required in accordance with Fed.R.Civ.P. 4, Fed.R.Civ.P. 45, Fed.R.Bankr.P. 7004, Fed.R.Civ.P. 9014(b), and Fed.R.Bankr.P. 9016, any order for conventional service issued by the Court, or where otherwise specifically required by the Federal Rules of Civil Procedure or the Federal Rules of Bankruptcy Procedure. Proof of service pursuant to this subparagraph 6 is required to be filed, however, the proof of service may be filed electronically in accordance with the Electronic Filing Procedures with the representation, by the filer, that evidence of service is being maintained at the office of the filer.

D. SIGNATURES; AFFIDAVITS.

1. ~~Petitions, lists, schedules and statements requiring t~~The signature of the debtor(s) that are filed electronically require an originally executed DECLARATION RE: ELECTRONIC FILING, Local Rules W.D. Wash. Bankr. form 6. The DECLARATION RE: ELECTRONIC FILING must be filed with the Court within 5 business days of the electronic requiring the originally executed signature of the debtor is no longer required to be filed with Petitions, lists, schedules and statements. Official Form 21, Statement of Social Security Number, which is required in every case, may be filed electronically. If the debtor is unable to pay the filing fee except in installments, and if the petition is filed electronically, the debtor must electronically file an Application to Pay Filing Fees in Installments (Official Form No. 3) at the time of the filing of the petition.
2. Pleadings, affidavits, and other documents that must contain original signatures or that require verification under Fed.R.Bankr.P. 1008 or an unsworn declaration as provided in 28 U.S.C. § 1746, shall be filed electronically. The original signed document shall be maintained by the attorney of record or the party originating the document for a period not less than 5 years. Upon request, the original document must be provided to other parties or the Court for review. The pleading or other document electronically filed shall indicate a signature; e.g., "/s/ Jane Doe."
3. A stipulation or other document requiring the signature of more than one party shall be electronically filed as follows: (i) the filer shall confirm that the content of the document is acceptable to all persons required to sign and shall obtain actual signatures of all parties to the document; (ii) the filer shall file the document electronically, indicating the signatories, e.g., "/s/ Jane Doe"; (iii) the filer shall retain the hard copy of the document containing the original signatures as set forth in Paragraph II.D.2., above. Fed. R. Bankr.

P. 9011 shall apply to all signatories, not just the filing participant. In addition, the filing party, by filing the document in accordance with this provision, represents that all signatories indicated have approved the form of the document.

E. ORDERS.

1. Proposed orders submitted in accordance with Local Rule W.D. Wash. Bankr. 9013-1(d)(1) and 9013-1(i)(1) shall be submitted electronically as an attachment to the motion.
2. Original orders that are ready for the judge's signature, including orders submitted pursuant to Local Rules W.D. Wash. Bankr. 9013-1(f)(2) and 9013-1(g)(2), may be submitted electronically by filing the order as a "received unsigned order," according to the procedure set forth in the *Electronic Case Filing Participant Guide*.
3. Received unsigned orders filed in accordance with this rule should include the words "ex parte" in the title if they are being submitted without notice in accordance with Local Rule W.D. Wash. Bankr. 9013-1(g).

F. TITLE OF DOCKET ENTRIES AND PLEADINGS.

The person electronically filing a pleading or other document will be responsible for designating a title for the document by using one of the categories contained in the *Electronic Case Filing Participant Guide*. Every pleading filed in response to or subsequent to a motion or other initial pleading shall be linked to the initial pleading by including in the title of the subsequent pleading the same title as used in the initial pleading, e.g., a response to a Motion for Avoidance of Lien shall be entitled "Response to Motion for Avoidance of a Lien."

G. ~~F~~TIME.

-
1. All references to time contained in the Electronic Filing Procedures are to Pacific Standard or Daylight Saving Time, whichever is in effect.

~~H. TIME FOR FILING UNDER LOCAL RULE W.D. WASH. BANKR. 9013-1(d).~~

-
2. Pleadings or other documents can be filed in the ECF System

by participants at any time. ~~However, for determining whether a pleading or document was timely filed or served for purposes of Local Rule W.D. Wash. Bankr. 9013-1(d); the pleading or document must be entered into the ECF System by 4:30 p.m. on the date due.~~

H. TECHNICAL FAILURES.

1. On the Part of the Court. A party whose filing is untimely as the result of a technical failure of the Court's CM/ECF site may seek appropriate relief from the Court. The Court shall consider its CM/ECF site to be subject to a technical failure if the site is unable to accept filings, either continuously or intermittently, for more than one hour after 10:00 a.m. on any given day. Known systems outages will be posted on the Court's web site.
2. On the Part of the Filer. Problems on the filer's end (such as phone line problems, problems with the filer's Internet Service Provider, or hardware or software problems) will not constitute a technical failure under these procedures, nor excuse an untimely filing. A filer who cannot file a document electronically because of a problem on the filer's end must file the document conventionally.

III. CONVENTIONAL FILING OF DOCUMENTS

A. CONVENTIONAL FILINGS.

The following documents shall be filed conventionally and not electronically unless specifically authorized by the Court:

1. Documents to be Filed under Seal. A motion to file document(s) under seal shall be filed electronically; however, the actual document(s) to be filed under seal shall be filed conventionally. A paper copy of the order shall be attached to the document(s) under seal and be delivered to the Clerk of the Court.
2. Exhibits.
 - a. Exhibits, other than trial exhibits, including but not limited to leases, notes, and the like, which are not available in electronic form, may be filed conventionally with a copy of the Notice of Electronic Filing to indicate the referenced document. Wherever possible, however, such documents, or the relevant portions thereof, should be electronically imaged (i.e., "scanned") and filed using the Portable Document Format (PDF).
 - b. Exhibits from Trial Exhibits, Exhibits for trials and evidentiary hearings

shall be submitted in accordance with existing rules or as ordered by the Court.

3. Lengthy Documents. When documents that exceed 50 pages, including exhibits, are filed in paper form, the filer shall provide an electronic PDF version of the document on a 3.5 inch disk or CD-Rom disk at the time of filing. If the PDF file is more than two megabytes in size, it must be separated into two-megabyte segments. Each PDF file shall be clearly labeled to identify the sequence of documents to be filed.

34. Proofs of Claim. Notwithstanding the provisions of Local Rule W.D. Wash. Bankr. 2083-1, all claims filed in paper form in Chapter 13 cases must be filed with the Clerk of the Court; the Chapter 13 Trustees shall promptly forward to the Clerk of the Court any proofs of claim received pursuant to the repealed rule, Local Rule W.D. Wash. Bankr. 2083-1 by them.

B. SERVICE OF CONVENTIONAL OR 3.5 INCH DISK FILINGS.

Pleadings or other documents that are filed conventionally or on a 3.5 inch disk or on a CD-Rom disk rather than electronically shall be served in the manner provided for in, and on those parties entitled to, notice in accordance with the Federal Rules of Bankruptcy Procedure and the Local Bankruptcy Rules for the Western District of Washington except as otherwise provided by order of the Court.

IV. PUBLIC ACCESS TO THE SYSTEM DOCKET

A. ~~PACER~~PACER.

1. PACER (Public Access to Court Electronic Records) provides Internet access to Court dockets and images. This system requires users to establish a PACER account and register for a login and password. Registration can be completed via telephone by calling the PACER Service Center at (800) 676-6856 or (210) 301-6440. Parties may register for PACER on-line at <http://pacer.psc.uscourts.gov>.

2. A ~~users fee of \$0.07~~ per page user's fee is charged for accessing Court information through PACER ~~was approved. That fee is set~~ by the Judicial Conference of the United States ~~at its September, 1998 meeting~~. There ~~will be~~ is no charge, other than fees set forth in 28 U.S.C. § 1930, for filing documents.

3. Participants who have set up automatic electronic notification in a case will not be charged for one-time retrieval, downloading or viewing of that

document when accessing the document directly from the e-mail notification.

B. PUBLIC ACCESS AT THE COURT.

The public will have electronic access to the electronic docket and documents filed in the ECF System at the Office of the Clerk of the Court, for viewing at no charge, during regular business hours Monday through Friday.

C. CONVENTIONAL COPIES AND CERTIFIED COPIES.

Conventional copies and certified copies of electronically filed documents may be purchased at the United States Bankruptcy Court, Office of the Clerk of the Court, 1200 Sixth Avenue United States Courthouse, 700 Stewart St., Suite 315 Room 6301, Seattle, WA 98101 or 1717 Pacific Avenue, Suite 2100, Tacoma, WA 98402. The fee for copying and certification will be in accordance with 28 U.S.C. § 1930.

DATED: May 1, 8 November 20014.